

AMENDED IN SENATE APRIL 3, 2000  
AMENDED IN SENATE MARCH 27, 2000  
AMENDED IN SENATE JANUARY 27, 2000  
AMENDED IN SENATE JANUARY 14, 2000  
AMENDED IN SENATE JANUARY 13, 2000  
AMENDED IN ASSEMBLY APRIL 21, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

## ASSEMBLY BILL

**No. 1544**

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**Introduced by Assembly Members Calderon, Granlund, and  
Baugh**  
(Principal coauthor: Senator Perata)

February 26, 1999

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An act to amend Section 56425 of, and to add Sections 25210.70a and 56429 to, the Government Code, to add Section 33492.42 to the Health and Safety Code, and to amend Section 71697 of the Water Code, relating to local government, *and declaring the urgency thereof, to take effect immediately.*

### LEGISLATIVE COUNSEL'S DIGEST

AB 1544, as amended, Calderon. Local government: redevelopment.

(1) Existing law provides procedures for the establishment of county service areas for counties to provide specified governmental services within unincorporated areas, for the establishment of municipal water districts, and for the

formation of joint powers agencies as redevelopment agencies for the redevelopment of military facilities located within the redevelopment project area of the agencies.

This bill would authorize county service areas, the Inland Valley Development Agency, and municipal water districts to establish sewer and water supply facilities on specified lands related to development of certain territory within the Norton Air Force Redevelopment Project Area without approval by other agencies, except as specified. The bill would exempt water and sewer services, as specified, in that redevelopment project area from a requirement for the payment of just compensation for private utility property taken for public purposes.

(2) Existing law requires a local agency formation commission to determine the territory to be included in a sphere of influence for local agencies within its jurisdiction and the need for and capacity of public facilities. Existing law also requires the commission to place on its meeting agenda and consider a written request from any person or local agency to amend a sphere of influence.

This bill would authorize landowners of unincorporated territory located in that redevelopment project area to petition a local agency formation commission for the removal of the territory from a city's sphere of influence. The bill would also provide that a determination of a city's sphere of influence shall not preclude the provision of specified services to that redevelopment project area.

(3) *This bill would declare that it is to take effect immediately as an urgency statute.*

Vote: ~~majority~~ <sup>2/3</sup>. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 25210.70a is added to the  
2 Government Code, to read:

3 25210.70a. (a) A county service area in whose  
4 territory all or any portion of the redevelopment project  
5 area referenced in subdivision (e) of Section 33492.41 of  
6 the Health and Safety Code is located may locate,

1 construct, and maintain facilities and infrastructure for  
2 sewer and water pipelines or other facilities for sewer  
3 transmission and water supply or distribution systems  
4 along and across any street or public highway and on any  
5 lands that are now or hereafter owned by the state, for the  
6 purpose of providing facilities or services related to  
7 development, as defined in subdivision (e) of Section  
8 56426, to or in that portion of the redevelopment project  
9 area that, as of January 1, 2000, meets all of the following  
10 requirements:

11 (1) Is unincorporated territory.

12 (2) Contains at least 100 acres.

13 (3) Is surrounded or substantially surrounded by  
14 incorporated territory.

15 (4) Contains at least 100 acres zoned for commercial or  
16 industrial uses or is designated on the applicable county  
17 general plan for commercial or industrial uses.

18 (b) The facilities or services related to development  
19 may be provided by the county service area to all or any  
20 portion of the area defined in paragraphs (1) to (4),  
21 inclusive, of subdivision (a). Notwithstanding any other  
22 provision of this code, building ordinances, zoning  
23 ordinances, and any other local ordinances, rules, and  
24 regulations of a city or other political subdivision of the  
25 state shall not apply to the location, construction, or  
26 maintenance of facilities or services related to  
27 development pursuant to this section.

28 SEC. 2. Section 56425 of the Government Code is  
29 amended to read:

30 56425. (a) In order to carry out its purposes and  
31 responsibilities for planning and shaping the logical and  
32 orderly development and coordination of local  
33 governmental agencies so as to advantageously provide  
34 for the present and future needs of the county and its  
35 communities, the commission shall develop and  
36 determine the sphere of influence of each local  
37 governmental agency within the county. In determining  
38 the sphere of influence of each local agency, the  
39 commission shall consider and prepare a written

1 statement of its determinations with respect to each of  
2 the following:

3 (1) The present and planned land uses in the area,  
4 including agricultural and open-space lands.

5 (2) The present and probable need for public facilities  
6 and services in the area.

7 (3) The present capacity of public facilities and  
8 adequacy of public services that the agency provides or  
9 is authorized to provide.

10 (4) The existence of any social or economic  
11 communities of interest in the area if the commission  
12 determines that they are relevant to the agency.

13 (b) Upon determination of a sphere of influence, the  
14 commission shall adopt that sphere, and shall periodically  
15 review and update the adopted sphere.

16 (c) The commission may recommend governmental  
17 reorganizations to particular agencies in the county,  
18 using the spheres of influence as the basis for those  
19 recommendations. Those recommendations shall be  
20 made available, upon request, to other agencies or to the  
21 public.

22 (d) A determination of a city's sphere of influence,  
23 provided that the sphere of influence includes any  
24 portion of the redevelopment project area referenced in  
25 subdivision (e) of Section 33492.41 of the Health and  
26 Safety Code, shall not preclude any other local agency, as  
27 defined in Section 54951, including the redevelopment  
28 agency referenced in Section 33492.41 of the Health and  
29 Safety Code, in addition to that city, from providing  
30 facilities or services related to development, as defined in  
31 subdivision (e) of Section 56426, to or in that portion of  
32 the redevelopment project area that, as of January 1, 2000,  
33 meets all of the following requirements:

34 (1) Is unincorporated territory.

35 (2) Contains at least 100 acres.

36 (3) Is surrounded or substantially surrounded by  
37 incorporated territory.

38 (4) Contains at least 100 acres zoned for commercial or  
39 industrial uses or is designated on the applicable county  
40 general plan for commercial or industrial uses.

(e) Facilities or services related to development may be provided by other local agencies to all or any portion of the area defined in paragraphs (1) to (4), inclusive, of subdivision (d). Subdivision (d) and this subdivision shall be effective whether the determination of the sphere of influence is made preceding or subsequent to January 1, 2000.

SEC. 3. Section 56429 is added to the Government Code, to read:

56429. (a) Notwithstanding Sections 56427 and 56428, a petition for removal of territory from a sphere of influence determination may be brought pursuant to this section by landowners within the redevelopment project area referenced in subdivision (e) of Section 33492.41 of the Health and Safety Code, if, at the time the petition is submitted, the area for which the petition is being requested meets all of the following requirements:

(1) Is unincorporated territory.

(2) Contains at least 100 acres.

(3) Is surrounded or substantially surrounded by incorporated territory.

(4) Contains at least 100 acres zoned for commercial or industrial uses or is designated on the applicable county general plan for commercial or industrial uses.

(b) On receipt of a petition signed by landowners owning at least 25 percent of the assessed value of the land within the affected territory, the commission shall hear and consider oral or written testimony.

(c) The petition shall be placed on the agenda of the commission in accordance with subdivision (b) of Section 56428.

(d) The executive officer shall give notice of the hearing in accordance with Section 56427.

(e) From the date of filing of the petition to the conclusion of the hearing, the commission shall accept written positions from any owner of land in the unincorporated territory that is seeking removal from a city's sphere of influence.

(f) The petition to remove territory from a city's sphere of influence shall be granted and given immediate

1 effect if the commission finds that written positions filed  
2 in favor of the petition and not withdrawn prior to the  
3 conclusion of the hearing represent landowners owning  
4 50 percent or more of the assessed value of the land within  
5 the affected territory.

6 (g) No removal of territory from a city's sphere of  
7 influence that is proposed by petition and adopted  
8 pursuant to this section shall be repealed or amended  
9 except by the petition and adoption procedure provided  
10 in subdivisions (a) to (f), inclusive. In all other respects,  
11 a removal of territory from a city's sphere of influence  
12 proposed by petition and adopted pursuant to this section  
13 shall have the same force and effect as any amendment  
14 to or removal of territory from a city's sphere of influence  
15 approved by the commission. No territory removed from  
16 a city's sphere of influence pursuant to this section shall  
17 be annexed to that city, unless the territory is  
18 subsequently added to the sphere of influence of the city  
19 pursuant to the petition and adoption procedure  
20 provided in this section.

21 (h) Pursuant to Section 56383, the commission may  
22 establish a schedule of fees for the costs of carrying out  
23 this section.

24 (i) All proper expenses incurred in connection with  
25 removal of territory from a city's sphere of influence  
26 pursuant to this section shall be paid by the proponents.

27 SEC. 4. Section 33492.42 is added to the Health and  
28 Safety Code, to read:

29 33492.42. (a) The redevelopment agency referenced  
30 in Section 33492.41 may locate, construct, and maintain  
31 facilities and infrastructure for sewer and water pipelines  
32 or other facilities for sewer transmission and water supply  
33 or distribution systems along and across any street or  
34 public highway and on any lands that are now or  
35 hereafter owned by the state, for the purpose of providing  
36 facilities or services related to development, as defined in  
37 subdivision (e) of Section 56426 of the Government Code,  
38 to or in that portion of the redevelopment project area  
39 referenced in subdivision (e) of Section 33492.41 that, as

1 of January 1, 2000, meets all of the following  
2 requirements:

3 (1) Is unincorporated territory.

4 (2) Contains at least 100 acres.

5 (3) Is surrounded or substantially surrounded by  
6 incorporated territory.

7 (4) Contains at least 100 acres zoned for commercial or  
8 industrial uses or is designated on the applicable county  
9 general plan for commercial or industrial uses.

10 (b) Facilities or services related to development may  
11 be provided by the redevelopment agency referenced in  
12 Section 33492.41 to all or any portion of the area defined  
13 in paragraphs (1) to (4), inclusive, of subdivision (a).  
14 Notwithstanding any other provision of the Government  
15 Code, building ordinances, zoning ordinances, and any  
16 other local ordinances, rules, and regulations of a city or  
17 other political subdivision of the state shall not apply to  
18 the location, construction, or maintenance of facilities or  
19 services related to development pursuant to this section.

20 SEC. 5. Section 71697 of the Water Code is amended  
21 to read:

22 71697. (a) A district may locate, construct, and  
23 maintain district works along and across any street or  
24 public highway and on any lands that are now or  
25 hereafter owned by the state; and a district has the same  
26 rights and privileges appertaining thereto as have been  
27 or may be granted to cities within the state. For districts  
28 whose territory includes any portion of the  
29 redevelopment project area referenced in subdivision  
30 (e) of Section 33492.41 of the Health and Safety Code, the  
31 exercise of this right shall not be subject to any permitting  
32 and approval requirements of any local agency other than  
33 the municipal water district that is locating, constructing,  
34 or maintaining these district works to the extent that this  
35 right is exercised for the purpose of providing facilities or  
36 services related to development, as defined in subdivision  
37 (e) of Section 56426 of the Government Code, to or in that  
38 portion of the redevelopment project area that, as of  
39 January 1, 2000, meets all of the following requirements:

40 (1) Is unincorporated territory.

1 (2) Contains at least 100 acres.

2 (3) Is surrounded or substantially surrounded by  
3 incorporated territory.

4 (4) Contains at least 100 acres zoned for commercial or  
5 industrial uses or is designated on the applicable county  
6 general plan for commercial or industrial uses.

7 (b) Facilities or services related to development may  
8 be provided by the district to all or any portion of the area  
9 defined in paragraphs (1) to (4), inclusive, of subdivision

10 (a). Notwithstanding any other provision of the  
11 Government Code, building ordinances, zoning  
12 ordinances, and any other local ordinances, rules, and  
13 regulations of a city or other political subdivision of the  
14 state shall not apply to the location, construction, or  
15 maintenance of facilities or services related to  
16 development pursuant to this section.

17 SEC. 6. (a) (1) “Local agency” as used in this section  
18 means a local agency as defined in Section 54951 of the  
19 Government Code, including any municipal water  
20 district.

21 (2) “Redevelopment agency” as used in this section  
22 means the redevelopment agency referenced in Section  
23 33492.41 of the Health and Safety Code.

24 (3) “Redevelopment project area” as used in this  
25 section means the redevelopment project area  
26 referenced in subdivision (e) of Section 33492.41 of the  
27 Health and Safety Code.

28 (4) “Territory” as used in this section means that  
29 portion of the redevelopment project area that, as of  
30 January 1, 2000, meets all of the following requirements:

31 (A) Is unincorporated territory.

32 (B) Contains at least 100 acres.

33 (C) Is surrounded or substantially surrounded by  
34 incorporated territory.

35 (D) Contains at least 100 acres zoned for commercial  
36 or industrial uses or is designated on the applicable  
37 county general plan for commercial or industrial uses.

38 (b) Notwithstanding Section 1505.5 of the Public  
39 Utilities Code, Sections 1503 and 1504 of that code are not  
40 intended to, and shall not, entitle a local agency to



1 compensation for the provision of water services to all or  
2 any part of the territory by any other local agency, private  
3 utility, or mutual water company, if that local agency is  
4 or was prohibited by ordinance, regulation, or initiative  
5 in effect on January 1, 2000, from providing or extending  
6 water services to all or any part of the territory, prior to  
7 annexation of that territory into that agency.

8 (c) Notwithstanding Chapter 8.5 (commencing with  
9 Section 1501) of Part 1 of Division 1 of the Public Utilities  
10 Code, a local agency or the redevelopment agency that  
11 provides sewer services to all or any part of the territory  
12 shall not be obligated to pay compensation to another  
13 local agency providing sewer services to the same area.

14 *SEC. 7. This act is an urgency statute necessary for*  
15 *the immediate preservation of the public peace, health,*  
16 *or safety within the meaning of Article IV of the*  
17 *Constitution and shall go into immediate effect. The facts*  
18 *constituting the necessity are:*

19 *In order to resolve unique local development and*  
20 *service responsibility issues expeditiously, it is necessary*  
21 *that this act go into effect immediately.*

